

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed Emergency After Notice**

Pursuant to the authority of Iowa Code section 225C.6 and 2014 Iowa Acts, House File 2463, section 82, the Department of Human Services amends Chapter 25, “Disability Services Management,” Iowa Administrative Code.

The purpose of this rule making is to establish the Department’s rules for gathering expenditure data necessary to calculate county Medicaid offset in accordance with 2014 Iowa Acts, House File 2463, section 82.

Notice of Intended Action was published in the Iowa Administrative Bulletin on August 20, 2014, as **ARC 1591C**. The Department received no comments during the comment period. No changes were made to the amendments published under Notice of Intended Action, though an implementation sentence has been added for new Division IX in Chapter 25.

The Mental Health and Disability Services Commission adopted these amendments on September 25, 2014.

Pursuant to Iowa Code section 17A.5(2)“b”(1), the Department finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective September 25, 2014. The normal effective date must be waived since legislation requires timely implementation to gather and process county mental health and disability services data for SFY 2014. This information will in turn allow the Department to calculate the required offset information by October 15, 2014. Currently, counties are required to submit their mental health and disability services data by December 1 of each year. Due to the time line requirements of the legislation, the reporting time for the expenditure data must be moved up to meet the necessary calculation deadline.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 225C.6 and 2014 Iowa Acts, House File 2463, section 82.

These amendments became effective September 25, 2014.

The following amendments are adopted.

ITEM 1. Amend **441—Chapter 25**, Preamble, as follows:

PREAMBLE

This chapter provides for definitions of regional core services, access and practice standards, reporting of regional expenditures, development and submission of regional management plans, data collection, and applications for funding as they relate to regional service systems for individuals with mental illness, intellectual disabilities, developmental disabilities, or brain injury, and submission of data for Medicaid offset calculations.

ITEM 2. Reserve rules **441—25.92** to **441—25.94**.

ITEM 3. Adopt the following new Division IX title in **441—Chapter 25**:

DIVISION IX  
DATA SUBMISSION TO DETERMINE MEDICAID OFFSET FOR COUNTIES

ITEM 4. Adopt the following new Division IX Preamble in **441—Chapter 25**:

PREAMBLE

These rules define the department’s standards for the submission of county mental health and disability services expenditure data so that the department can calculate the Medicaid offset for each county consistent with 2014 Iowa Acts, House File 2463, section 82.

ITEM 5. Adopt the following new rules 441—25.95(426B) and 441—25.96(426B):

**441—25.95(426B) Definitions.**

*“Department”* means the Iowa department of human services.

*“Medicaid offset amount”* means the amount resulting from the calculations described in Iowa Code section 426B.3 as amended by 2014 Iowa Acts, House File 2463, section 82(5) *“d.”*

*“Uniform chart of accounts for Iowa county governments”* means the set of codes used by counties to organize and delineate revenues and expenditures. The codes related to mental health and disability services expenditures identify diagnosis and types of services.

**441—25.96(426B) Data to determine Medicaid offset.** Each county must submit to the department a report that provides the county mental health and disability services data needed to calculate the Medicaid offset for the county.

**25.96(1) Data required.** Each county is required to submit expenditure data as specified by the department based on the agreement by the department and representatives of the mental health and disability services regions consistent with the requirements of Iowa Code section 426B.3 as amended by 2014 Iowa Acts, House File 2463, section 82(5) *“b.”*

**25.96(2) Submission of mental health and disability services data.**

*a.* Counties must submit the required data to the department by 4:30 p.m. on September 19, 2014, consistent with data submissions as required in subrule 25.41(3).

*b.* If a county fails to submit data within the required time frame or a county submits data that is demonstrably inaccurate, the department will use a pro-rata methodology to determine the county’s Medicaid offset using data submitted by other counties.

ITEM 6. Adopt the following new implementation sentence for **441—Chapter 25**, Division IX:

These rules are intended to implement Iowa Code section 225C.6 and 2014 Iowa Acts, House File 2463, section 82.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 10/15/14.